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ABSTRACT

The symposium report focuses on effects of state curriculum mandates on the social studies curriculum. Part of a larger study designed to examine the effect of state law on the introduction and implementation of law-related education, the report is presented in two sections. Section I analyzes social studies mandates in the 50 states. Five questions used in the analysis are: (1) Which social studies subjects are mandated? (2) What values are fostered in the mandates? (3) What sanctions are available to enforce the mandates? (4) How specific are the mandates? (5) How does each state department of education transmit information about statutory mandates to teachers and administrators? General findings related to statutory requirements in all 50 states, reported in tabular form, indicate that 44 states require study of the United States or state constitutions, 42 require study of United States or state history. and 33 require study of civics or government. Section II presents a report of interviews to determine whether social studies teachers and administrators are aware of state mandates and are influenced by them. Interviews were conducted with more than 300 teachers and administrators in 78 schools in five states (California, Georgia, Illinois, Pennsylvania, and Texas). Findings, presented in tabular form, indicate that most teachers and administrators are unaware of many of the subjects and topics which are mandated, think the social studies mandates have limited influence, and that those who are aware of the changes learn about them through hierarchical communications. (Author/DB)

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THE EFFECT OF EDUCATION LAW ON THE PUBLIC SCHOOL CURRICULUM

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This symposium is based on a portion of a three year study designed to examine the effect of state law on the introduction and implementation of law-related education.*

Law-related education is a recent innovation which should not be confused with professional legal education or the study of education law. Instead, law-related education presents law as an academic discipline, a means of examining a number of societal questions as well as inquiring into the nature and purpose of law, the strengths and weaknesses of our legal system, and ways of improving law and legal processes. Law-related education can convey specific information about law; it can also explore more general questions such as limitations of law and the role of law in resolving societal conflicts.

We looked at four principal areas of law affecting teaching and learning: curriculum mandates, law dealing with the selection of materials, law governing the use of persons from the community in the classroom, and law governing off-campus learning. Today's symposium reports on our findings regarding curriculum mandates.

We began the research for this portion of the study with an analysis of the relevant law (constitutional provisions, statutes, court decisions, and, when available, attorneys general opinions and state department of education regulations) in the fifty states. This legal research was designed to answer three questions:

1. What subjects are required by state law in the areas of U.S. and state constitutions, U.S. and state history, and civics and the governmental system?
2. What values does state law seek to foster?
3. What sanctions are available to enforce the requirements of state law?

Tables 1-3, appended, describe the statutory requirements in each state; these tables do not include the state department of education regulations. The tables show that statutes of

*The study has been funded by the Ford Foundation and carried out by the American Bar Association's Special Committee on Youth Education for Citizenship. In addition to the presentors, project staff included Michael Sorgen, the Legal Research Director.

forty-four states require study of the U.S. or state constitution, forty-two require study of U.S. or state history, and thirty-three require study of civics or government. (A few states require study of each of these areas by state department of education regulations rather than by statute.) As the tables show, the statutes generally foster "heritage" or patriotic values, and, insofar as they deal with specific political doctrines, most often require teaching about the evils of communism and racism and about the benefits of the American political and economic system.

We have supplemented the fifty state study by a detailed study of the statutes and state department regulations of five states - California, Georgia, Illinois, Pennsylvania, and Texas. We selected these states because their educational laws differ considerably and because law-related education has been implemented in varying degrees and in various ways in the states.

We attempted to analyze the mandates by arraying them along four dimensions:

1. Which social studies subject areas are included in the mandates? (the range here is from Georgia, which mandates only U.S. and state history, U.S. and state constitutions, and state and local government, to Texas, which mandates U.S. and state history and government, "intelligent patriotism," U.S. and state constitutions, the Bill of Rights, American citizenship, law studies (8th grade), free enterprise, consumerism, dangers of crime and drugs, and world history or geography.)

2. What values are fostered in the mandates? (the range here is from California, which seeks to foster such values as tolerance and appreciation of diversity, to Texas, which places a strong emphasis on patriotism, obligations of citizenship, etc.)

3. How specific or detailed are the statutes and the state department of education regulations? (Texas statutes are highly specific. Besides specifying subjects, they often detail the values the legislature wishes to foster, the grade level of courses, and the time commited to courses. The state department has added specificity in requiring a sequence of courses. Georgia statutes are least specific but the state department has designed an explicit curriculum for a year course in American History and Government. California statutes do not go beyond

specifying subjects.)

4. What form or structure does the state department provide in transmitting the statutes? (Texas: a sequence of required courses; Georgia: a single required course with a detailed curriculum; Pennsylvania: additional requirements; California: a very general statement of the goals of the social studies; Illinois: nothing)

To determine if social studies teachers and administrators are aware of state mandates and are influenced by them, we conducted interviews in 78 schools in the five states. We chose the schools through a multi-stage cluster sampling technique stratified by county population density. At each school we sought to interview two regular social studies teachers engaged in law-related studies, the department head (typically a full time social studies teacher), their school principal, and, where possible, their district superintendent. The sample consists of 214 secondary social studies teachers (including 57 teaching department heads), 73 principals, and 43 superintendents.

We found that in each state most teachers and administrators are unaware of many of the subjects and topics which are mandated. (Tables 4 & 5 show what teachers and administrators believe is mandated in their state.) This level of awareness reflects a variety of factors, including (1) the extent to which mandated subjects are embodied in courses, (2) the presence of specific requirements in the mandates, such as examinations on state and federal constitutional law, (3) the consistency between statutes and state department regulations, and (4) the emphasis given by the state department to new mandates.

(1) Respondents are more likely to mention broad topics that are embodied in courses (e.g., American history and government) than narrower subjects that might be included within larger courses (e.g., constitutional law, minority studies) or values, skills, and goal statements (e.g., patriotism, citizenship, voting).

(2) Respondents are more likely to be aware of mandates which required specific action of them. For example, in Illinois students are required to pass a test on the Illinois and U.S.

Constitutions. More than 80% of teachers and administrators know that they are required to give this test. However, a similar test is required in Texas statutes but is not mentioned in the state department guidelines. Because information concerning this mandate is not transmitted, few Texas respondents are aware of it.

(3) As this example shows, respondents depend heavily on the state education department to learn what they must do to comply with the law. The departments vary greatly in how they carry out this responsibility. In Illinois the state department transmits the statutory requirements word for word. In Texas and Georgia the state departments develop course outlines in response to the legislated mandates. In Pennsylvania, the state department intreprets the mandates rather liberally, specifying some subject areas not included in the legislated mandates.

(4) Respondents are more likely to be aware of new mandates. The Illinois Office of Education has recently emphasized consumer education, and the Texas Education Agency has recently emphasized free enterprise education. Fewer teachers and administrators are familiar with these new mandates than with the major traditional requirements such as American history but more are familiar with them than with such earlier and less emphasized subjects as minority studies.

Educators think the social studies mandates have limited influence on classroom teaching. (See Table 6). Forty-three percent of the social studies teachers and a quarter of the administrators say the mandates have no influence on teaching. Only seventeen percent of each group say that subjects are taught because they are required.

Teachers and administrators recall originally becoming aware of the mandates through a variety of sources, including their school administration, the state, and college courses. (See Table 7). Majorities recall becoming aware of the mandates on the job. (Among teachers 43% say they became aware of them through their school administration and 28% say they became aware of them

through their professional experience. Among school administrators 46% credit professional experience, 29% credit state publications and 14% credit the administrative hierarchy.)

Although there was no single or systematic way in which respondents originally became aware of the mandates, they tend to become aware of changes in the mandates through hierarchical communications. Teachers hear from administrators, and administrators hear from their administrative supervisors and the state.

TABLES 1-3 EXPLANATORY NOTES

These tables include only statewide mandates. Nothing precludes additional course offerings at local discretion.

TABLE 1 STATUTES MANDATING LAW-RELATED SUBJECTS IN EACH STATE.

Column 1: Explicit requirement to teach about constitutions.

Column 2: Explicit requirement to teach history; includes specific mandates of historical documents, e.g., Declaration of Independence, Federalist Papers, etc.

Column 3: Explicit requirement to teach civics, government system and process; includes also California provision on legal system.

TABLE 2 STATUTES MANDATING THE TEACHING OF VALUES IN EACH STATE.

Column 1: Explicit requirements dealing with moral and citizenship education; includes specifically enumerated attitudes and principles; individual rights, duties, responsibilities; loyalty, obedience, respect. The wording is indicated in the Table. Also includes "importance of voting" because this pertains to attitude formation and skill development. Note that Illinois "method of voting" is included in Tab. 1, Col. 1 because it related to understanding of government process.

Column 2: Explicit requirements dealing with teaching about political, economic, and social doctrines: Americanism, communism, free enterprise, and prohibitions on racism, sectarianism, partisanship, etc.

TABLE 3 STATUTES PROVIDING SANCTIONS FOR FAILURE TO COMPLY WITH MANDATES IN EACH STATE.

Column 1: Promotion and graduation requirements. With the exception of Illinois, these are all high school graduation requirements. "Test" indicates that the student must have taken the course and passed a standardized examination in lieu of the required course. Michigan and N.J. waive requirements for those who have served in the military, as noted in text and in table.

Column 2: Sanctions include only those found in statutes applying to the mandates. This listing is incomplete because sanctions such as reporting, inspection and accreditation may be found in other parts of state codes.

TABLE 1 STATUTES MANDATING LAW-RELATED SUBJECTS IN EACH STATE

State	Column 1 U.S. and State Constitution	Column 2 U.S. and State History	Column 3 Civics Governmental System
Alabama	U.S. Const. only at elementary level, both at secondary level.	Both at elementary level.	Both at secondary level.
Arizona	Both at elementary and secondary level.	Both at elementary and secondary level.	Both at secondary level.
Alaska	No specific statute but prescribe courses	State Board of Education authorized to	
Arkansas		U.S. History only at elementary level, State history only at secondary level.	Both at secondary level.
California	Both, 6-12	Both at elementary level	Legal system, both 6-12
Colorado	Both, 7-12	U.S. History only at elementary level, both at secondary level.	Both at secondary level.
Connecticut		U.S. History only at elementary level, both at secondary level.	Both at secondary level.
Delaware	Both, 8-12		
Florida	U.S. Const. only at elementary level, both at secondary level.	Both at elementary and secondary level.	Both at secondary level.
Georgia	Both at elementary and secondary level.	Both at elementary and secondary level.	Both at secondary level.
Hawaii	Both at elementary and secondary level.		
Idaho	U.S. Const. only at elementary level, both at secondary level.	Both at elementary and secondary level.	
Illinois	Both at elementary and secondary level.	U.S. History, also History of Negro race.	Both at secondary level, and principles of representative gov' and method of voting
Indiana	Both, 6-12	Both at elementary and secondary level.	
Iowa	Both, 8-12	Both at secondary level.	Both at secondary level.
Kansas	Both at secondary level.	Both at elementary and secondary level	
Kentucky	Both at Elementary and secondary level.	Both and American traditions at elementary and secondary level.	
Louisiana	Both, 8-12	U.S. History (Federalist Papers and Declaration of Independence) specified at elementary level only.	

TABLE 1 STATUTES MANDATING LAW-RELATED SUBJECTS IN EACH STATE

State	Column 1 U.S. and State Constitution	Column 2 U.S. and State History	Column 3 Civics Governmental System
Maine	Both at elementary and secondary level, included in Foundations of American Freedom.	Both at elementary level, U.S. History only at secondary level.	Both at elementary and secondary level.
Maryland		Both at elementary level, U.S. History only at secondary level.	Community Civics
Massachusetts	Both at elementary and secondary level.	Both at elementary and secondary level, also local history.	Both at elementary and secondary level.
Michigan	Both, 8-12	Both at elementary and secondary level.	Both at secondary level, also local government.
Minnesota	Both, 8-12	Both at elementary level, U.S. History only at secondary level.	Social problems at secondary level
Mississippi	Both at secondary level.	Both at elementary and secondary level.	Both at elementary and secondary level, also local government.
Missouri	Both, 7-12	Both, 7-12	U.S. Governmental System at secondary level only.
Montana		Both at elementary and secondary level.	U.S. Governmental System at secondary level only.
Nebraska	Both at elementary and secondary level.	Both at elementary level, U.S. History only at secondary level.	U.S. Governmental System at secondary level only.
Nevada	Both at elementary and secondary level.	Both at elementary and secondary level.	Both at elementary and secondary level.
New Hampshire	Both, 8-12	U.S. History at secondary level only.	
New Jersey	Both, 7-12	Both at elementary and secondary level.	Both at elementary level.
New Mexico	State Board of Education prescribes grades.	Both and Declaration of Independence at elementary and secondary level.	State Board of Education prescribes grades.
New York	Both at elementary and secondary level.	Both at elementary and secondary level.	
North Carolina	State Board of Education authority to prescribe courses.		
North Dakota	Both, 7-12	Both at elementary level, U.S. History at secondary level only.	Both at secondary level.

TABLE 1 STATUTES MANDATING LAW-RELATED SUBJECTS IN EACH STATE

State	Column 1 U.S. and State Constitution	Column 2 U.S. and State History	Column 3 Civics Governmental System
Ohio	Both at elementary and secondary level.	Both at elementary and secondary level.	Both at elementary and secondary level, local government also.
Oklahoma		Both at elementary and secondary level.	Both at elementary and secondary level.
Oregon	Both at elementary grade 8, U.S. Const. only at secondary level.		
Pennsylvania	Both, 7-12	Both at elementary and secondary level	Both at elementary and secondary level.
Rhode Island	Both at secondary level.	Both, 4-12	Both at elementary and secondary level.
South Carolina	Both at elementary and secondary level.	Both at elementary and secondary level.	
South Dakota	Both, 8-12		
Tennessee	Both at secondary level.	Both at elementary and secondary level, also Negro history.	U.S. Governmental System at secondary level only.
Texas	Both at secondary level.	Both at elementary and secondary level.	Both at secondary level.
Utah	Both at elementary level, U.S. Const. only at secondary level.		
Vermont	Both at elementary and secondary level.	Both at elementary level.	Both at elementary and secondary level.
Virginia	Both at elementary and secondary level.	Both at elementary and secondary level.	Both at secondary level.
Washington	Both at elementary and secondary level.	Both at elementary and secondary level.	Both at secondary level.
West Virginia	Both at elementary and secondary level.	Both at elementary and secondary level.	Both at elementary and secondary level.
Wisconsin	Both at secondary level.	Both at elementary and secondary level.	
Wyoming	Both at elementary and secondary level.		

TABLE 2 STATUTES MANDATING THE TEACHING OF VALUES IN EACH STATE

State	Column 1 Individual Rights, Responsibilities, Attitudes, Moral and Citizenship Education	Column 2 Specific Political Doctrine
Alabama		Evils of Communism.
Arizona		Free Enterprise, racism.
Alaska	No specific statute but State Board of Educatica authorized to prescribe courses	
Arkansas		
California	Moral, K-6; 7-12, legal rights and duties	Communism, racism, and sexism.
Colorado		
Connecticut	Duties, responsibilities and rights of citizenship, at elementary and secondary level.	Racism
Delaware		
Florida	Moral	Americanism vs. Communi
Georgia	Devotion to American institutions and ideals.	
Hawaii		
Idaho	Citizenship at secondary level only.	Sectarian
Illinois	Moral at elementary and secondary level, patriotism.	Racism
Indiana	Moral, obedience to law at elementary and secondary level. Good behavior at elementary level only.	Racism
Iowa	Citizenship	
Kansas	Patriotism and duties of citizens.	Sectarian
Kentucky	Moral, rights and duties in this democracy at elementary and secondary level.	
Louisiana		Evils of Socialism and Communism, benefits of Free Enterprise system.
Maine	Moral, privileges, and responsibilities of citizenship, and importance of voting.	
Maryland		
Massachusetts	Moral, justice, and Bill of Rights.	
Michigan	Moral, justice, rights and responsibilities of citizens.	Racism
Minnesota	Citizenship at elementary and secondary level.	
Mississippi	Duties and obligations of citizenship, patriotism, respect for and obedience to law.	Americanism, nature and threat of Communism. doctrinal, sectarian, denominational
Missouri		
Montana	Duties of citizenship.	Benefits of our form of government, dangers and fallacies of Nazism, Communism.

TABLE 2 STATUTES MANDATING THE TEACHING OF VALUES IN EACH STATE

State	Column 1 Individual Rights, Responsibilities, Attitudes, Moral and Citizenship Education	Column 2 Specific Political Doctrine
Nebraska	Moral, obedience to law and citizenship.	
Nevada	Duties, citizenship, love of country and loyality.	Sectarian, denominational
New Hampshire		No subversive
New Jersey	Voting privilege.	
New Mexico		
New York	Patriotism, citizenship and Bill of Rights week.	Communism: methods and destructive effects.
North Carolina		Americanism and Free Enterprise system.
North Dakota	Patriotism	
Ohio		
Oklahoma	Citizenship and obedience to law.	
Oregon	Moral, respect for Constitution, obedience to law and citizenship.	
Pennsylvania	Loyality, solemn duty to exercise voting privilege.	
Rhode Island	Moral	
South Carolina	Good behavior and loyality	
South Dakota	Patriotism	
Tennessee	Skills basic to citizenship in American democracy - privileges and duties.	
Texas	10 minutes of daily instruction on patriotism.	Benefits of Free Enterprise system.
Utah	Moral, obedience to law, habits and qualities of upright and desirable citizenry.	
Vermont	Patriotism, loyality, and good citizenship.	No propaganda or subve
Virginia	Bill of Rights	
Washington		
West Virginia		
Wisconsin	Citizenship	
Wyoming	Devotion to American ideals.	

TABLE 3 STATUTES PROVIDING SANCTIONS FOR FAILURE TO COMPLY WITH MANDATES IN EACH STATE

State	Column 1 Promotion and Graduation Requirements	Column 2 Sanctions
Alabama	U.S. Government and Civics.	Reports
Arizona	History, constitutions, and Free Enterprise.	
Alaska	Prescribed offerings, (Equiv.)	Accreditation, SDE investigates, may order school to cease conferr diplomas.
Arkansas	History, Civics.	Teachers - School offic can be fined, imprisone removed; school charter can be revoked.
California	U.S. History, U.S. Government, (Equiv.)	Reports, inspection, accreditation.
Colorado		
Connecticut	History, Government, Citizenship, (Equiv.)	Reports
Delaware	Social studies.	
Florida	U.S. History, U.S. Government, Americanism vs. Communism.	Accreditation
Georgia	History, Government, (Test)	
Hawaii	SDE authorization.	
Idaho	U.S. History U.S. Government.	Accreditation
Illinois	Patriotism, representative government, U.S. History at elementary level only, (Test)	Reports, reduction in teacher pay.
Indiana	Government, citizenship, and U.S. History	Teachers, principals fir revocation licenses.
Iowa	Government, history.	
Kansas	U.S. Constitution, Government.	
Kentucky	Social studies, (Equiv.)	Reports, state can with hold funds.
Louisiana	U.S. History, constitutions, and communism.	
Maine	U.S. History, U.S. Government, and constitutions.	
Maryland	U.S. History.	
Massachusetts		State Board of Educat can withhold funds.
Michigan	Citizenship, constitutions (waiver for Military service)	Misdemeanor to reccome student for graduation who hasn't complied wi course requirements.
Minnesota	U.S. History, citizenship and social problems.	
Mississippi	Communism, history, and constitutions.	

TABLE 3 STATUTES PROVIDING SANCTIONS FOR FAILURE TO COMPLY WITH MANDATES IN EACH STATE

State	Column 1 Promotion and Graduation Requirements	Column 2 Sanctions
Missouri	Constitutions, History and Government.	Willful failure of teach principal, or superinten cause for termination.
Montana	U.S. History and U.S. Government.	
Nebraska		Misdemeanor, fine, impri ment.
Nevada	Social studies, (Test), (Equiv.)	State can withhold funds
New Hampshire	U.S. History, social studies	Teachers can be dismisse or fined; accreditation.
New Jersey	Constitutions, history, civics, (Equiv.), credit for instruction in armed forces.	Inspection, approval.
New Mexico	U.S. History, social studies elective.	Reports
New York	All required courses, (Test)	Inspection, reports, affidavit, license revo no state aid, and accre tation.
North Carolina	Social studies	Report
North Dakota		Accreditation
Ohio	All required courses.	
Oklahoma	History, Government.	
Oregon	Citizenship, social studies.	
Pennsylvania	Social studies.	
Rhode Island		
South Carolina	U.S. Constitution, history, loyality, (Test).	Teachers, principals, superintendents can be dismissed or removed.
South Dakota		
Tennessee	U.S. History.	Misdemeanor f princi teachers can loose lic school accreditation.
Texas	Constitutions, histo government, (Test).	Any school employee ca fined or removed from office.
Utah		
Vermont	Constitutions, civics, history, (Equiv.)	
Virginia		
Washington	Civics, history, government, constitutions.	
West Virginia	Required courses	School employee can be fined or removed.
Wisconsin		
Wyoming	Constitutions (Test)	School employee can be removed.

TABLE 4

COURSES OR TOPICS WHICH SOCIAL STUDIES TEACHER RESPONDENTS BELIEVE ARE MANDATED IN THEIR STATE *

Courses or Topics	State					
	Calif.	Ga.	Ill.	Pa.	Texas	All
American history	63%	31%	81%	52%	62%	68%
American government	54	19	5	29	56	33
American culture	0	0	0	26	0	5
State history, state gov't, state studies	19	47	12	19	28	24
Federal or state constitution	2	5	81	0	10	21
Citizenship, patriotism	9	3	7	2	8	6
Law	11	0	0	0	5	3
Social studies	4	19	5	26	3	11
World history or culture	6	5	0	62	36	10
Consumer education	4	3	28	14	5	11
Free enterprise education	0	0	0	0	20	4
Minority studies	11	0	16	5	3	7
Don't know	11	14	0	7	23	10
Number of cases	46	36	43	42	39	204

*Percentages are based on 4 responses and will not add up to 100%. Respondents are (1) social studies teachers who said they taught one or more courses that include law-related topics, and (2) their department heads.

TABLE 5

COURSES OR TOPICS WHICH PRINCIPAL AND SUPERINTENDENT RESPONDENTS BELIEVE ARE MANDATED IN THEIR STATE*

Courses or Topics	State					
	Calif.	Ga.	Ill.	Pa.	Texas	All
American history	100%	100%	92%	100%	87%	96%
American government	42	36	12	18	57	33
American culture	0	0	0	9	0	2
State history, state gov't, state studies	21	41	4	9	48	24
Federal or state constitution	0	0	84	0	4	19
Citizenship, patriotism	0	0	12	5	9	5
Law	0	0	0	0	9	2
Social studies	0	45	20	55	4	24
World history or culture	8	0	0	64	39	22
Consumer education	4	0	32	5	13	11
Free enterprise education	0	0	0	0	26	5
Minority studies	0	0	4	0	4	2
Don't know	13	5	4	9	17	9
Number of cases	24	22	25	22	23	116

*Percentages are based on 4 responses and will not add up to 100%.

TABLE 6

THE PERCEPTIONS OF TEACHERS AND ADMINISTRATORS (SUPERINTENDENTS AND PRINCIPALS) CONCERNING THE INFLUENCE OF SOCIAL STUDIES MANDATES ON TEACHING

	Teachers[1]	Administrators
No Influence		
They have no influence	43%	25%
Some Influence		
Mandates reinforce teaching. The subjects would be taught anyway.	12	10
Mandates help by telling what is expected	13	13
Mandates tell what is expected but leave a lot of room for additions	16	24
Considerable Influence		
The subjects are taught <u>because</u> they are required	17	17
Mandates limit teaching by requiring subjects that are not always relevant or important	3	4
Other	5	7
Total	--	100%
Number of Cases	197	96

[1]Based on two responses. Will not add to 100%

TABLE 7

SOURCES OF INFORMATION ON SOCIAL STUDIES MANDATES AND CHANGES IN THE MANDATES*

Source of Information	Social Studies Mandates		Changes in Mandates	
	Teachers' Sources	Administrators' Sources	Teachers' Sources	Administrators' Sources
School administration	43%	15%	81%	33%
Professional experience	28	44	0	0
State department of education	16	30	10	78
College and post-graduate courses	16	20	0	0
High school courses	5	4	0	0
Professional associations	1	2	11	14
Reading, looked it up	2	7	0	0
Colleagues	2	0	0	0
Media, press	0	0	5	3
Other	0	3	11	6
Don't know	4	3	0	2
Number of cases	184	105	177	104

*Percentages are based on 2 responses and will not add up to 100%.